

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-SIXTH DAY

(Continued)

(Thursday, April 16, 2015)

AFTER RECESS

The Senate met at 11:00 a.m. and was called to order by the President.

Pastor Margot Perez-Greene, Tarrytown United Methodist Church, Austin, offered the invocation as follows:

God of peace, God of justice, God of freedom, we give You thanks for Your cadences of peace, justice, and freedom, cadences that have surged through the lives and halls of this place and all that nameless mass of risk-takers who have been obedient to Your promises and susceptible to Your dreams. We pray wisdom of all elected leaders—that they would be guided by God in their decision-making. Protect them from physical harm. Deliver us from amnesia concerning their courage, their peacemaking, and their hunger for You as they work in state, local, and world communities that face a devouring economy. Deliver us from amnesia: turn our memory into hope, turn our gratitude into energy, turn our well-being into impatience that these same cadences of Your will may pulse even among us now as we approach the tasks of the day, of the season. Amen.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 16, 2015 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 479

Bell

Relating to transfer of the regional emergency medical dispatch resource centers program to the Commission on State Emergency Communications.

HB 796

Geren

Relating to the purchase of certain insurance coverage and the performance of related risk management services for the Texas State University System and the component institutions of that system.

HB 984

Deshotel

Relating to birth records of adopted persons; authorizing a fee.

HB 1219

Raymond

Relating to a provisional license to practice funeral directing or embalming; amending provisions subject to a criminal penalty.

HB 1454

Raney

Relating to notice, reporting, and records requirements for holders of certain personal property that is or may be presumed abandoned.

HB 1546

Allen

Relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

HB 1945

Bonnen, Greg

Relating to the provision of direct primary care.

HB 2430

Kuempel

Relating to food and beverage consumption in certain public swimming pools.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 428

Senator Nelson offered the following resolution:

SR 428, Proclaiming April 16, 2015, as Texas Federation of Republican Women Legislative Day.

The resolution was again read.

The resolution was previously adopted on Tuesday, March 24, 2015.

GUESTS PRESENTED

Senator Nelson, joined by Senators Whitmire, Campbell, Huffman, Kolkhorst, Perry, Seliger, Nichols, Hall, Fraser, Huffines, Creighton, Bettencourt, V. Taylor, L. Taylor, Birdwell, Schwertner, and Burton, was recognized and introduced to the Senate a Texas Federation of Republican Women delegation, accompanied by President Jody Rushton, Vice-president of Legislation Rachel Woods, and First Vice-president of Special Events Debra Coffey.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Fraser, joined by Senator Huffines, was recognized and introduced to the Senate a delegation from The Lamplighter School.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Campbell was recognized and presented Dr. John Green of San Antonio as the Physician of the Day.

The Senate welcomed Dr. Green and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 555

Senator Rodríguez offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the eighth class of the Senator Gregory Luna Legislative Scholars and Fellows Program, conducted by the Senate Hispanic Research Council and named in memory of Senator Gregory Luna of San Antonio; and

WHEREAS, A true champion for the underrepresented and underserved in Texas, Senator Luna dedicated his life to public service and fought for educational equity; and

WHEREAS, A tribute to Senator Luna's admirable work in the Senate, this prestigious program was created to provide professional opportunities for undergraduate and graduate-level students from across the state to gain invaluable experience by serving as full-time legislative assistants in the Texas Senate and acquire the skills necessary to become successful leaders for our great state; and

WHEREAS, These Scholars and Fellows also coordinated the "East Austin College Prep Day at the Capitol," which provides high school students from East Austin College Prep with an inside look at the legislative process and promotes civic engagement; and

WHEREAS, The following Scholars and Fellows have demonstrated outstanding dedication and achievement in Senate offices: Lissette Almanza from Houston, serving in the office of State Senator John Whitmire; Joshua Baca from El Paso, serving in the office of Lieutenant Governor Dan Patrick; Marcos Daniel Bustamante from Corpus Christi, serving in the office of State Senator Juan "Chuy" Hinojosa; Daniela Fragoso from Brownsville, serving in the office of State Senator Jose Rodríguez; Jessica Lisseth Herrera from Spring, serving in the office of State Senator Royce West, Selena Keshav from Pflugerville, serving in the office of State Senator Judith Zaffirini; Christopher LeSuer from Erie, Pennsylvania, serving in the office of State Senator Eddie Lucio; Gabby Marquez from El Paso, serving in the office of State Senator Carlos Uresti; Christian Louis Umbria Smith from The Colony, serving in the office of State Senator Jose Menéndez; Thomas Ray Treviño Jr. from Houston serving in the office of State Senator Sylvia Garcia; Christopher Vela from Edinburg,

serving in the office of State Senator Kirk Watson; and Michelle Willoughby from North Richland Hills, serving in the office of State Senator Kel Seliger; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 84th Legislature, hereby commend the members of the eighth class of the Senator Gregory Luna Legislative Scholars and Fellows Program for their remarkable service and outstanding work this session and wish them continued success as they prepare to become the future leaders of our great state; and, be it further

RESOLVED, That a copy of this Resolution be presented to the Scholars and Fellows as an expression of esteem from the Texas Senate.

RODRÍGUEZ	WATSON
GARCIA	WEST
HINOJOSA	WHITMIRE
LUCIO	ZAFFIRINI
MENÉNDEZ	PATRICK
URESTI	

(Senator Eltife in Chair)

SR 555 was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

GUESTS PRESENTED

Senator Rodríguez, joined by the President and Senators Uresti, Garcia, Seliger, Lucio, Watson, Hinojosa, Zaffirini, Menéndez, West, and Whitmire, was recognized and introduced to the Senate participants in the eighth class of the Senator Gregory Luna Legislative Scholars and Fellows Program.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 915 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 915** at this time on its second reading:

CSSB 915, Relating to the establishment and administration by the Texas Higher Education Coordinating Board of a textbook affordability pilot program at a public institution of higher education.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 915 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 915** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 27 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 27** at this time on its second reading:

SB 27, Relating to the online broadcast of open meetings of institutions of higher education.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 27 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 27** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Bettencourt in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 788 ON SECOND READING

Senator Eltife moved to suspend the regular order of business to take up for consideration **CSSB 788** at this time on its second reading:

CSSB 788, Relating to requiring direct access to 9-1-1 service from certain telephone systems and equivalent systems that use Internet Protocol enabled services.

The motion prevailed.

Senator Hall asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hall.

COMMITTEE SUBSTITUTE

SENATE BILL 788 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 788** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Hall.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

(Senator Eltife in Chair)

SENATE BILL 685 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 685** at this time on its second reading:

SB 685, Relating to the applicability of open meetings and public information laws to the education research center advisory board.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 685 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 685** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

SENATE BILL 1470 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1470** at this time on its second reading:

CSSB 1470, Relating to the establishment of state authorization reciprocity agreements for postsecondary distance learning courses.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE

SENATE BILL 1470 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1470** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 691 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **SB 691** at this time on its second reading:

SB 691, Relating to tuition and fee exemptions for certain students enrolled in fire science courses at public institutions of higher education.

The motion prevailed.

Senator Huffines asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Huffines.

SENATE BILL 691 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 691** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Huffines.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1189 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1189** at this time on its second reading:

CSSB 1189, Relating to the establishment of a transfer associate degree program at each public junior college.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1189 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1189** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1287 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 1287** at this time on its second reading:

CSSB 1287, Relating to the licensing and regulation of forensic analysts and the administration of the Texas Forensic Science Commission; authorizing fees; requiring an occupational license.

The motion prevailed.

Senators Burton and Huffines asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Burton, Huffines.

**COMMITTEE SUBSTITUTE
SENATE BILL 1287 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1287** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Huffines.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 397 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 397** at this time on its second reading:

CSSB 397, Relating to the marketing and advertising of the veterans' assistance lottery game.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Seliger, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Huffines, Schwertner, L. Taylor.

The bill was read second time and was passed to engrossment by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 397 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 397** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Seliger, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Huffines, Schwertner, L. Taylor.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE CONCURRENT RESOLUTION 24 ON SECOND READING**

Senator L. Taylor moved to suspend the regular order of business to take up for consideration **CSSCR 24** at this time on its second reading:

CSSCR 24, Authorizing the State Preservation Board to approve and permit the construction of a monument at the state Capitol Complex, at a site outside the historic Capitol grounds, honoring Texans who served during the Global War on Terror as part of the United States armed forces and their families.

The motion prevailed without objection.

All Members are deemed to have voted "Yea" on suspension of the regular order of business.

The resolution was read second time and was adopted by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 425 ON SECOND READING**

Senator Schwertner moved to suspend the regular order of business to take up for consideration **CSSB 425** at this time on its second reading:

CSSB 425, Relating to health care information provided by and notice of facility fees charged by certain freestanding emergency medical care facilities.

The motion prevailed.

Senator Hall asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 425** (senate committee report) in the recital to SECTION 5 of the bill (page 2, line 36), between "2013," and "is", by inserting "and as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015,".

The amendment to **CSSB 425** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Schwertner and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 425 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hall.

**COMMITTEE SUBSTITUTE
SENATE BILL 425 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 425** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Hall.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 336 ON SECOND READING**

Senator V. Taylor moved to suspend the regular order of business to take up for consideration **CSSB 336** at this time on its second reading:

CSSB 336, Relating to the right of municipal officers to obtain information, documents, and records.

The motion prevailed.

Senators Menéndez and Whitmire asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Menéndez, Whitmire.

**COMMITTEE SUBSTITUTE
SENATE BILL 336 ON THIRD READING**

Senator V. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 336** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Zaffirini.

Nays: Menéndez, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator V. Taylor and by unanimous consent, his remarks regarding **CSSB 336** were ordered reduced to writing and printed in the *Senate Journal* as follows:

As a matter of principle, elected or appointed officers responsible for overseeing a governmental body must have unfettered access to all information within their jurisdiction. This right is essential to their oversight responsibilities.

Senate Bill 336 provides that a city councilmember, mayor, or other person that is part of a city's deliberative body have a right of access to all information within their governmental bodies.

This bill establishes a needed expectation that board members responsible for overseeing a city's functions or operation have access to all information within that governmental body.

This bill is similar in nature to a measure passed last session, House Bill 628, giving school board members the right to access information, documents, and records maintained by the school district.

The intent of SB 336 is not to waive the confidentiality of any information that would be protected from public disclosure.

Sensitive, and even proprietary information, may be classified as confidential and disclosed to the members of a city's governing body accordingly.

District board members may still access confidential information, provided they sign a confidentiality agreement when needed.

The intent of SB 336 is not to authorize elected officers to access information within political subdivisions that they do not oversee. For example, the bill does not authorize a member of the Austin City Council to access records within Travis County. Nor does the bill authorize a member of a city's parks board to access files within the police department.

The clear intent of this bill is to authorize access to information of the city governmental body that the officer oversees.

Further, the intent of Senate Bill 336 is not to infringe on the disclosure requirements under the Texas Public Information Act or otherwise affect the exemptions provided under the Act.

Rather, the intent of this Act is to clarify the legislature's expectation that district board members have unfettered access to any information within their jurisdiction.

SENATE BILL 903 ON SECOND READING

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 903** at this time on its second reading:

SB 903, Relating to procedures for the management, sale, or lease of certain state-owned real property and the management or collection of related funds, including disputed oil and gas royalties owed to the state.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 903 ON THIRD READING

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 903** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

SENATE BILL 1750 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1750** at this time on its second reading:

CSSB 1750, Relating to the requirements for employment positions provided through the Texas college work-study program.

The motion prevailed.

Senators Burton and Hall asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Burton, Hall.

**COMMITTEE SUBSTITUTE
SENATE BILL 1750 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1750** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Hall.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1561 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1561** at this time on its second reading:

CSSB 1561, Relating to contributions and registrations for an anatomical gift registry; authorizing a fee.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1561 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1561** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE JOINT RESOLUTION 17 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 17** at this time on its second reading:

SJR 17, Proposing a constitutional amendment relating to private road work by certain counties.

The resolution was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE JOINT RESOLUTION 17 ON THIRD READING

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 17** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1589 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 1589** at this time on its second reading:

CSSB 1589, Relating to requirements for reporting unclaimed mineral proceeds to the comptroller of public accounts.

The motion prevailed.

Senator Creighton asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1589** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 74.101(e)(2), Property Code (page 1, line 36), after the semicolon, insert "and".

(2) In added Section 74.101(e)(3), Property Code (page 1, line 38), strike the semicolon and substitute a period.

(3) Strike added Sections 74.101(e)(4) and (5), Property Code (page 1, lines 39-45).

(4) Add the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 74.104, Property Code, is amended to read as follows:

Sec. 74.104. CONFIDENTIALITY OF PROPERTY REPORT; EXCEPTIONS.

SECTION _____. Section 74.104, Property Code, is amended by amending Subsection (a) and adding Subsections (c), (d), and (e) to read as follows:

(a) Except as provided by Subsection (c) and Section 74.201, 74.203, or 74.307, a property report filed with the comptroller under Section 74.101 is confidential until the second anniversary of the date the report is filed.

(c) The information reported under Section 74.101(e) is confidential and not subject to disclosure under Chapter 552, Government Code.

(d) Notwithstanding Subsection (c), the comptroller may release the information about a well reported under Section 74.101(e) to a claimant of mineral proceeds from the well if the claim is approved by the comptroller under Section 74.501.

(e) Notwithstanding Subsection (c), the information compiled under Section 74.307(a)(2) is subject to disclosure under Chapter 552, Government Code.

SECTION _____. Section 74.307, Property Code, is amended to read as follows:

Sec. 74.307. LIST OF OWNERS; OTHER PUBLIC INFORMATION. (a) The comptroller shall compile and revise each year:

(1) ~~[-]~~ except as to amounts reported in the aggregate, an alphabetical list of the names and last known addresses of the owners listed in the reports and the amount credited to each account; and

(2) an alphabetical list by county of:

(A) the number of reports filed under Section 74.101 for mineral proceeds attributable to all wells located in each respective county; and

(B) the aggregate amount of mineral proceeds reported under Section 74.101 attributable to all wells, if any, located in each respective county.

(b) The comptroller shall make the lists ~~[list]~~ available for public inspection during all reasonable business hours.

The amendment to **CSSB 1589** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1589 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Creighton.

COMMITTEE SUBSTITUTE SENATE BILL 1589 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1589** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1336 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1336** at this time on its second reading:

CSSB 1336, Relating to the powers and duties, the construction of laws, and the election dates of certain groundwater conservation districts.

The bill was read second time and was passed to engrossment without objection. All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1336 ON THIRD READING**

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1336** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 458 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 458** at this time on its second reading:

CSSB 458, Relating to the aerospace and aviation office of the Texas Economic Development and Tourism Office and to the aerospace and aviation advisory committee.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Bettencourt, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Burton, Campbell, Creighton, Hall, Huffines.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 458** (Committee Printing) by striking (on page 1, line 54) "increase" and substituting "determine the appropriate level of".

The amendment to **CSSB 458** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 458 as amended was passed to engrossment by the following vote: Yeas 27, Nays 4.

Yeas: Bettencourt, Birdwell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Campbell, Hall, Huffines.

**COMMITTEE SUBSTITUTE
SENATE BILL 458 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 458** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Bettencourt, Birdwell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodriguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Campbell, Hall, Huffines.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

RECESS

On motion of Senator Whitmire, the Senate at 12:53 p.m. recessed until 1:30 p.m. today.

AFTER RECESS

The Senate met at 1:30 p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 16, 2015 - 2

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 34

Raymond

Directing DPS to name the new crime lab in Laredo the Oscar "O. J." Hale Crime Lab.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 1154 ON SECOND READING

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1154** at this time on its second reading:

SB 1154, Relating to the deadline for filing an application for an exemption from ad valorem taxation of the residence homestead of a 100 percent or totally disabled veteran.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1154 ON THIRD READING

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1154** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Eltife in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 709 ON SECOND READING

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSSB 709** at this time on its second reading:

CSSB 709, Relating to procedures for certain environmental permit applications.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Estes, Fraser, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti.

Nays: Ellis, Eltife, Garcia, Lucio, Menéndez, Rodríguez, Watson, West, Whitmire, Zaffirini.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 709** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 27), between "(e-2)," and "(i-1)" insert "(e-3), (e-4),".

(2) In SECTION 1 of the bill, in added Subsection 2003.047(e-2), Government Code (page 1, lines 45-46), strike "or the administrative law judge, if applicable, under Subsection (e)".

(3) In SECTION 1 of the bill, in amended Section 2003.047, Government Code (page 1, between lines 46 and 47), insert the following:

(e-3) The deadline specified by Subsection (e-2) may be extended:

(1) by agreement of the parties with the approval of the administrative law judge; or

(2) by the administrative law judge if the judge determines that failure to extend the deadline would unduly deprive a party of due process or another constitutional right.

(e-4) For the purposes of Subsection (e-3)(2), a political subdivision has the same constitutional rights as an individual.

The amendment to **CSSB 709** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator West offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 709**, in SECTION 1, on page 1, line 47 through page 2, line 14, by striking Subsections (i-1), (i-2), and (i-3).

The amendment to **CSSB 709** was read.

Senator West withdrew Floor Amendment No. 2.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 709** (senate committee report) in SECTION 2 of the bill, in added Section 5.115(a-1)(1), Water Code (page 2, lines 33-35), by striking Paragraph (A) and relettering subsequent paragraphs of Subdivision (1) accordingly.

The amendment to **CSSB 709** was read.

On motion of Senator Fraser, Floor Amendment No. 3 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Estes, Fraser, Hall, Hancock, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor.

Nays: Ellis, Eltife, Garcia, Hinojosa, Lucio, Menéndez, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 709** (senate committee printing) by inserting the following new SECTION 4 of the bill and renumbering the existing SECTIONS of the bill appropriately:

SECTION 4. Section 5.552(b), Water Code, is amended by adding Subdivision (3) to read as follows:

(3) the applicant shall provide a complete copy of the initial application to the commission, and the Commission shall post a copy of the initial application on a publicly accessible internet website at the beginning of the public notice period, which shall remain accessible and updated until the commission reaches a final decision on the application. It shall be the duty of the commission to;

(A) post all subsequent revisions and supplements to the application until a final decision has been reached on the application, and

(B) the applicant shall not be held liable if the commission fails to post all parts of the application on the internet website as it was provided by the applicant to the commission, at the time public notice or other portions of the application were due to the commission as determined by the applicable governing sections of code for said portion of the application.

The amendment to **CSSB 709** was read.

On motion of Senator Fraser, Floor Amendment No. 4 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor.

Nays: Ellis, Garcia, Hinojosa, Lucio, Menéndez, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

On motion of Senator Fraser and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 709 as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Estes, Fraser, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti.

Nays: Ellis, Eltife, Garcia, Lucio, Menéndez, Rodríguez, Watson, West, Whitmire, Zaffirini.

COMMITTEE SUBSTITUTE SENATE BILL 709 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 709** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Zaffirini.

Nays: Ellis, Rodríguez, Watson, West, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Estes, Fraser, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti.

Nays: Ellis, Eltife, Garcia, Menéndez, Rodríguez, Watson, West, Whitmire, Zaffirini.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1253 ON SECOND READING**

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1253** at this time on its second reading:

CSSB 1253, Relating to a ribbon for certain members of the military forces who served in support of operations to secure the Texas border.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1253 ON THIRD READING**

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1253** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Huffman and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet.

**SENATE RULES SUSPENDED
(Posting Rules)**

Senator Lucio moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Committee on Intergovernmental Relations might meet today in the Senate Chamber.

The motion prevailed by a viva voce vote.

All Members are deemed to have voted "Yea" on the motion to suspend the posting rules except as follows:

Nays: Watson.

CO-AUTHOR OF SENATE BILL 3

On motion of Senator Birdwell, Senator Creighton will be shown as Co-author of **SB 3**.

CO-AUTHOR OF SENATE BILL 24

On motion of Senator Zaffirini, Senator West will be shown as Co-author of **SB 24**.

CO-AUTHOR OF SENATE BILL 37

On motion of Senator Zaffirini, Senator West will be shown as Co-author of **SB 37**.

CO-AUTHOR OF SENATE BILL 271

On motion of Senator Ellis, Senator V. Taylor will be shown as Co-author of **SB 271**.

CO-AUTHOR OF SENATE BILL 295

On motion of Senator Schwertner, Senator West will be shown as Co-author of **SB 295**.

CO-AUTHOR OF SENATE BILL 425

On motion of Senator Schwertner, Senator West will be shown as Co-author of **SB 425**.

CO-AUTHOR OF SENATE BILL 473

On motion of Senator Perry, Senator Creighton will be shown as Co-author of **SB 473**.

CO-AUTHOR OF SENATE BILL 476

On motion of Senator Kolkhorst, Senator Hall will be shown as Co-author of **SB 476**.

CO-AUTHOR OF SENATE BILL 709

On motion of Senator Fraser, Senator Campbell will be shown as Co-author of **SB 709**.

CO-AUTHORS OF SENATE BILL 714

On motion of Senator Hall, Senators Birdwell and Lucio will be shown as Co-authors of **SB 714**.

CO-AUTHOR OF SENATE BILL 785

On motion of Senator Uresti, Senator Menéndez will be shown as Co-author of **SB 785**.

CO-AUTHOR OF SENATE BILL 788

On motion of Senator Eltife, Senator West will be shown as Co-author of **SB 788**.

CO-AUTHOR OF SENATE BILL 870

On motion of Senator Ellis, Senator Menéndez will be shown as Co-author of **SB 870**.

CO-AUTHOR OF SENATE BILL 951

On motion of Senator Uresti, Senator Kolkhorst will be shown as Co-author of **SB 951**.

CO-AUTHOR OF SENATE BILL 1032

On motion of Senator Watson, Senator West will be shown as Co-author of **SB 1032**.

CO-AUTHOR OF SENATE BILL 1154

On motion of Senator Hall, Senator Bettencourt will be shown as Co-author of **SB 1154**.

CO-AUTHOR OF SENATE BILL 1163

On motion of Senator Hancock, Senator Hall will be shown as Co-author of **SB 1163**.

CO-AUTHOR OF SENATE BILL 1216

On motion of Senator Bettencourt, Senator Garcia will be shown as Co-author of **SB 1216**.

CO-AUTHOR OF SENATE BILL 1253

On motion of Senator Hall, Senator Bettencourt will be shown as Co-author of **SB 1253**.

CO-AUTHORS OF SENATE BILL 1369

On motion of Senator Zaffirini, Senators Huffman and Nelson will be shown as Co-authors of **SB 1369**.

CO-AUTHOR OF SENATE BILL 1547

On motion of Senator Perry, Senator Creighton will be shown as Co-author of **SB 1547**.

CO-AUTHOR OF SENATE BILL 1590

On motion of Senator Zaffirini, Senator Menéndez will be shown as Co-author of **SB 1590**.

CO-AUTHOR OF SENATE BILL 1675

On motion of Senator Huffman, Senator Hall will be shown as Co-author of **SB 1675**.

CO-AUTHOR OF SENATE BILL 1819

On motion of Senator Campbell, Senator V. Taylor will be shown as Co-author of **SB 1819**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 24

On motion of Senator L. Taylor, Senators Hinojosa and V. Taylor will be shown as Co-authors of **SCR 24**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 574 by L. Taylor, Recognizing members of the 2015 class of Leadership Mainland.

SR 575 by Schwertner, Recognizing the Franklin Volunteer Fire Department BBQ Cook-Off.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:33 p.m. adjourned until 2:00 p.m. Monday, April 20, 2015.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 16, 2015

AGRICULTURE, WATER, AND RURAL AFFAIRS — **CSSB 991, CSSB 1597, CSSB 1903**

HEALTH AND HUMAN SERVICES — **SB 1128, SB 1129, SB 1699**

FINANCE — **CSSB 1125**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSSB 1945**

INTERGOVERNMENTAL RELATIONS — **CSSB 1092, CSSB 1348, SB 1281**

HEALTH AND HUMAN SERVICES — **CSSB 1243, CSSB 1279, CSSB 1496, CSSB 1574, CSSB 1881**

BUSINESS AND COMMERCE — **CSSB 1626**

STATE AFFAIRS — **CSSB 1139**

EDUCATION — **SB 265, SB 810, SB 69, CSSB 1200, CSSB 945, CSSB 1003, CSSB 1494, CSSB 934, CSSB 972**

HEALTH AND HUMAN SERVICES — **CSSB 1462**

TRANSPORTATION — **SB 1831, SB 1756**

BILLS ENGROSSED

April 15, 2015

SB 14, SB 66, SB 106, SB 130, SB 200, SB 212, SB 335, SB 337, SB 450, SB 574, SB 641, SB 683, SB 824, SB 853, SB 1093, SB 1173, SB 1451, SB 1507, SB 1654, SB 1664, SB 1725, SB 1753

RESOLUTIONS ENROLLED

April 15, 2015

SR 548, SR 564, SR 565, SR 566, SR 567, SR 569, SR 570, SR 572, SR 573

